

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Pappas Southern California License, LLC)	
)	CSR-5822-M
v.)	
)	
Catalina Cable TV)	
)	
Request for Mandatory Carriage of)	
Television Station KAZA-TV,)	
Avalon, California)	

MEMORANDUM OPINION AND ORDER

Adopted: March 11, 2002

Released: March 13, 2002

By the Chief, Consumer Protection and Competition Division, Cable Services Bureau:

I. INTRODUCTION

1. Pappas Southern California License, LLC ("Pappas"), permittee of television broadcast station KAZA-TV, Channel 54, Avalon, California ("KAZA" or the "Station") filed the above-captioned must carry complaint against Catalina Cable TV ("Catalina"), for failing to carry KAZA on its cable system serving Avalon, California (the "cable community"). No opposition to the petition was filed.

II. BACKGROUND

2. Pursuant to Section 614 of the Communications Act and implementing rules adopted by the Commission in *Implementation of the Cable Television Consumer Protection and Competition Act of 1992*, Broadcast Signal Carriage Issues ("*Must Carry Order*"), commercial television broadcast stations are entitled to assert mandatory carriage rights on cable systems located within the station's market.¹ A station's market for this purpose is its "designated market area," or DMA, as defined by Nielsen Media Research.² A DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns.

¹ 8 FCC Rcd 2965, 2976-2977 (1993).

² Section 614(h)(1)(C) of the Communications Act, as amended by the Telecommunications Act of 1996, provides that a station's market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns. *See* 47 U.S.C. § 534(h)(1)(C). Section 76.55(e) of the Commission's rules, 47 C.F.R. § 76.55(e), requires that a commercial broadcast television station's market be defined by Nielsen Media Research's DMAs.

III. DISCUSSION

3. In support of its complaint, KAZA states that it is licensed to Avalon, California, which is in the Los Angeles, California DMA. It states further that Catalina operates a cable television system in Avalon, California, which is also in the Los Angeles DMA. KAZA contends that because it is located within the same DMA as the Catalina cable system serving the cable community, it is entitled to mandatory carriage on that system. KAZA asserts that it formally requested that Catalina commence carriage of the Station's signal on the cable system at issue.³ KAZA claims that Catalina did not respond to its request for mandatory carriage in violation of Section 76.61(a)(2) of the Commission's rules, which requires cable operators to respond in writing to requests for carriage within 30 days of receipt of such requests.⁴ According to KAZA, it is committed to do whatever is needed to provide Catalina with a good quality signal.⁵ KAZA requests that the Commission order Catalina to commence carriage of its signal on the cable system serving the cable community.

4. We will grant KAZA's petition. Catalina has not objected to KAZA's carriage request.⁶ KAZA and Catalina are located within the same DMA. Absent objection, KAZA is entitled to carriage on Catalina's cable system.

IV. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended (47 U.S.C. § 534), that the must carry complaint filed by Pappas Television, L.L.P., permittee of television broadcast station KAZA, Avalon, California against Catalina Cable TV **IS GRANTED**.

6. **IT IS FURTHER ORDERED** that Catalina Cable TV **SHALL COMMENCE CARRIAGE** of the KAZA signal on its Avalon, California cable system within sixty (60) days from the date of the release of this Order.

7. This action is taken pursuant to authority delegated by Section 0.321 of the Commission's rules.⁷

FEDERAL COMMUNICATIONS COMMISSION

Deborah E. Klein, Chief
Consumer Protection and Competition Division
Cable Services Bureau

³ Complaint at 2 and Exhibit A.

⁴ Complaint at 3. *See* 47 C.F.R. § 76.61(a)(2).

⁵ Complaint at 3.

⁶ Since no opposition was filed, there has been no allegation that KAZA failed to provide Catalina with a good quality signal. Moreover, KAZA committed to do whatever is needed to provide Catalina with a good quality signal. Complaint at 3.

⁷ 47 C.F. R. § 0.321.